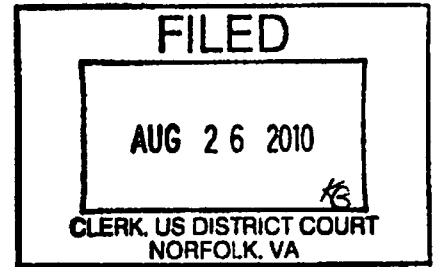


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division



UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CHARTIS INSURANCE AGENCY, INC.)
a/k/a CHARTIS INSURANCE COMPANY ,)
formerly AIG COMMERCIAL INSURANCE)
AGENCY, INC.,)
)
Serve: Registered Agent)
Corporation Service Company)
11 South 12th Street)
Richmond, VA 23218)
)
AMERICAN HOME ASSURANCE COMPANY,)
)
Serve: Registered Agent)
Corporation Service Company)
11 South 12th Street)
Richmond, VA 23218)
)
ARC of the VIRGINIA PENINSULA, INC.)
)
Serve: Registered Agent)
Lindsey A. Carney)
12350 Jefferson Ave.)
Suite 300)
Newport News, VA 23602)
)
Defendants.)
)

CIVIL ACTION NO: 4:10cv109

COMPLAINT

COMES NOW the Plaintiff, the United States of America, by counsel, and for its
Complaint herein against Defendants Chartis Insurance Agency, Inc. a/k/a Chartis Insurance

Company, formerly AIG Commercial Insurance Agency, Inc., American Home Assurance Company and ARC of the Virginia Peninsula, Inc. states as follows:

1. This suit is filed pursuant to 10 U.S.C. § 1095. In any case in which the United States furnished medical care and treatment to a person who is injured under circumstance that create a workers' compensation benefit liability upon that person's employer and/or the workers' compensation insurance carrier for that employer, the United States shall have a right to recover from said employer or said employer's workers' compensation insurance carrier, the reasonable value of the medical care and treatment so furnished.
2. This case arises out of a workers compensation injury suffered by one James E. Thompson, on or about August 25 or August 26, 2007.
3. The United States, through the United States Air Force, was authorized to provide and provided medical care and treatment to James E. Thompson, a retired U.S. Air Force non-commissioned officer.
4. This Court has original jurisdiction to hear this case pursuant to 28 U.S.C. § 1345 and 10 U.S.C. § 1095.
5. Venue is proper pursuant to 28 U.S.C. 1391(b) and (c).
6. Plaintiff, the United States, through the United States Air Force, operates the 1st Medical Group Hospital located at Langley Air Force Base, Hampton, Virginia.
7. Defendant ARC of the Virginia Peninsula, Inc. (hereinafter, "ARC") is a Virginia Corporation, doing business in the Commonwealth of Virginia and in the Eastern District of Virginia, both presently and on August 26, 2007.
8. Defendant ARC was the employer of James E. Thompson on August 26, 2007.

9. Defendant American Home Assurance co. (hereinafter “American Home”) is a corporation licensed to issue workers’ compensation insurance policies by the Commonwealth of Virginia and transacts business in the Commonwealth of Virginia and in the Eastern District of Virginia, both now and on August 26, 2007

10. Defendant Chartis Insurance Agency, Inc., a/k/a Chartis Insurance Company, formerly AIG Commercial Insurance Agency, Inc. (hereinafter, “Chartis”) is a corporation licensed to issue workers’ compensation insurance policies by the Commonwealth of Virginia and transacts business in the Commonwealth of Virginia and in the Eastern District of Virginia, both now and on August 26, 2007.

11. Defendant Chartis is believed to be the successor in interest to American Home’s assets and liabilities, including liabilities under policies of workers’ compensation insurance written by American Home at least to the extent of liabilities relating to the workers’ compensation insurance policy under which ARC was the insured, on August 26, 2007.

12. During all times relevant to these proceedings, Defendants American Home or Chartis were contractually obligated under a workers’ compensation insurance policy to pay workers’ compensation benefits to employees of ARC, for injuries arising out of and in the course of their employment, when otherwise such would be the duty of ARC.

PLAINTIFF'S CAUSE OF ACTION

13. On or about August 26, 2007, early in the morning, James E. Thompson was working in the course of his employment by ARC at the Langley Air Force Base Commissary.

14. At that time and place, the said James E. Thompson fell, suffering injuries which arose out of and in the course of his employment by ARC.

15. James E. Thompson received medical care and treatment for his injuries from the physicians and staff at the 1st Medical Group Hospital, from August 26, 2007 through August 30, 2007.

16. The injuries suffered by James E. Thompson engendered an obligation on the part of ARC to pay workers' compensation benefits, including payment of medical care costs associated with the treatment of those injuries.

17. Defendants American Home and Chartis had actual notice of the claim of the United States, before entering into a lump sum settlement of the workers' compensation claim of James E. Thompson on May 7, 2009, without the knowledge of the United States, without advising the Virginia Workers' Compensation Commission of the claim of the United States and without provision for payment of the claim of the United States.

18. Defendant American Home, and thereby its insured, ARC, in violation of 10 U.S.C. § 1095 have refused to pay the United States for the cost of medical care it rendered James E. Thompson from August 26, 2007 through August 30, 2007, and which relates to his compensable injuries of August 26, 2007.

19. Defendant Chartis, and thereby its insured, ARC, in violation of 10 U.S.C. § 1095, have refused to pay the United States for the cost of medical care it rendered James E.

Thompson between August 26, 2007 and August 30, 2007, and which relates to his compensable injuries of August 26, 2007.

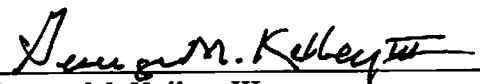
20. The reasonable charges for the medical care for James E. Thompson between August 26, 2007 and August 30, 2007, rendered by the physicians and staff at the 1st Medical Group Hospital, was and is Twenty Thousand, Three Hundred Fifty-Four and 90/100 Dollars (\$20,354.90).

WHEREFORE, the United States respectfully requests judgment against the Defendants for \$20,354.90, plus interest from August 26, 2007 to the date that the judgment is paid and for such other and further relief as the Court may deem proper.

UNITED STATES OF AMERICA,
Plaintiff

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By:



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Assistant United States Attorney
Attorney for Plaintiff
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